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COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, DECEMBER 15, 2000

APPLICATION OF

ATX TELECOMMUNICATIONS SERVICES  
OF VIRGINIA, LLC

CASE NO. PUC000228

For certificate of public  
convenience and necessity  
to provide local exchange  
telecommunications services

FINAL ORDER

On August 30, 2000, ATX Telecommunications Services of Virginia, LLC ("ATXVA" or "Applicant"), completed an application with the State Corporation Commission ("Commission") for a certificate of public convenience and necessity ("certificate") requesting authority to provide local exchange telecommunications services throughout the Commonwealth of Virginia. ATXVA also requested authority to provide such services on an interim basis.<sup>1</sup>

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<sup>1</sup> By Order dated October 8, 1997, in Case No. PUC970044, ATX Telecommunications Services LTD. ("ATX LTD"), was authorized to provide local telecommunications services in all exchanges in which Verizon Virginia Inc. f/k/a Bell Atlantic-Virginia, Inc., and Verizon South Inc. f/k/a GTE South Incorporated provide services in Virginia. Pursuant to a Joint Petition for Approval of Transfer Control of ATX Services, Inc., to CoreComm Limited and Request for Expedited Relief, Case No. PUA000035, which was filed on May 8, 2000, and amended on August 16, 2000, ATX Services, Inc. ("ATX"), and CoreComm Limited ("CoreCom") advised the Commission that ATX LTD had changed its form of organization from a limited partnership to a corporation. In their August 16, 2000, filing, the parties noted that ATX Telecommunications Services of Virginia, LLC ("ATXVA"), a second tier subsidiary of ATX, will be providing the telecommunications services previously provided by ATX LTD.

By Order dated September 8, 2000, the Commission directed the Applicant to provide notice to the public of its application, directed the Commission Staff to conduct an investigation and file a Staff Report, and scheduled a public hearing to receive evidence relevant to ATXVA's application. That Order also authorized ATXVA to operate and provide telecommunications services to customers under the tariffs of ATX Telecommunications Services LTD. ("ATX LTD") until the Commission renders a decision in this proceeding.

On October 25, 2000, ATXVA filed proof of publication and proof of service as required by the Commission's Order dated September 8, 2000.

Pursuant to a November 30, 2000, Order, Staff filed its Report on December 4, 2000, finding that ATXVA was in compliance with the Rules Governing the Offering of Competitive Local Exchange Service ("Local Rules"), 20 VAC 5-400-180. Based on its review of ATXVA's application, the Staff determined that it would be appropriate to grant the Applicant a certificate to provide local exchange telecommunications services in the Commonwealth of Virginia, subject to the following condition and recommendation:

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Accordingly, on August 30, 2000, ATXVA completed an application for a certificate to provide local exchange telecommunications services.

(1) ATXVA should be required to provide tariffs in its own name within sixty (60) days of the final order in this case. Once ATXVA's tariffs are received and accepted, the tariffs of its predecessor, ATX LTD, should be administratively cancelled; and

(2) Any order authorizing ATXVA to provide local exchange telecommunications services in Virginia should also reflect the cancellation of Certificate No. T-388 issued to ATX LTD on October 8, 1997, in Case No. PUC970044, since this entity no longer exists.

A hearing was conducted on December 12, 2000. The application and accompanying exhibits and the Staff Report were entered into the record without objection.

There were no written comments or notices of protest filed in this proceeding. No public witnesses appeared at the December 12, 2000, hearing.

NOW THE COMMISSION, having considered the application and the Staff Report, finds that ATXVA should be granted a certificate to provide local exchange telecommunications services in Virginia, subject to the condition detailed herein.

Accordingly, IT IS ORDERED THAT:

(1) ATX Telecommunications Services of Virginia, LLC, is hereby granted a certificate of public convenience and necessity, No. T-388a, to provide local exchange

telecommunications services subject to the restrictions set forth in the Local Rules, § 56-265.4:4 of the Code of Virginia, and the provisions of this Order.

(2) ATXVA shall provide tariffs in its own name no later than sixty (60) days from the date of this Order.

(3) Certificate No. T-388 issued to ATX Telecommunications Services LTD. is hereby cancelled.

(4) The Commission's Division of Communications shall administratively cancel the tariffs of ATX LTD concurrent with the acceptance of the tariffs provided in ordering paragraph (2) herein.

(5) There being nothing further to come before the Commission, this case shall be dismissed.